

To Service List in D.T.E. 04-33 (via e-mail)

The Massachusetts Department of Telecommunications and Energy requests responses from Verizon New England, Inc. d/b/a Verizon Massachusetts and from DIECA d/b/a Covad Communications Corp. on the following questions no later than 12:00 noon on July 6, 2005. Due to the short response time permitted, a response submitted by e-mail to [dte.efiling@state.ma.us](mailto:dte.efiling@state.ma.us) and to the service list will be deemed properly filed.

1. To Verizon Massachusetts

On page 19 of its April 1, 2005 Reply to Briefing Questions, Verizon Massachusetts cites to the following passage of Verizon-Covad Agreement, General Terms & Conditions, sec. 28.3:

"The Parties recognize that the FCC has issued the FCC Regulations implementing Sections 251, 252, and 271 of the Act that affect certain terms contained in this Agreement. In the event that any one or more of the provisions contained herein is inconsistent with any such FCC Regulations, the Parties agree to make only the minimum revisions necessary to eliminate the inconsistency. Such minimum changes to conform this Agreement to the FCC Regulations shall not be considered material, and shall not require further Commission approval (beyond any Commission approval required under Section 252(e) of the Act)."

Please indicate the date on which Verizon Massachusetts and Covad entered into the agreement or amendment from which this section was quoted and the date on which the agreement or amendment was filed with the Department. Is the source document the most recent agreement filed with the Department?

2. To Covad

On page 6 of its April 26, 2005 Reply Brief to Additional Briefing Issues, the Competitive Carrier Group cites to the following passage of the Verizon-Covad Agreement, sec. 28.3:

"The parties recognize that the FCC has issued and may continue to issue regulations implementing Sections 251, 252, and 271 and other Sections of the Act that affect certain terms contained in this Agreement. In the event that any one or more of the provisions contained herein is inconsistent with any applicable rule contained in such FCC Regulations or may be enacted by the Department, or imposed by a court in the exercise of its lawful jurisdiction, or which, in BA's reasonable determination, affects BA's application pursuant to Section 271(d) of the Act, the Parties agree to negotiate in good faith the revisions necessary to eliminate the inconsistency or amend the application-affecting provision(s). Such revisions need not be considered material, and need not require further Department approval beyond any Department approval required under Section 252(e) of the Act. If, however, any such change in Applicable Law or amendment to this Agreement would necessitate a change that would affect the interconnection of network facilities or Covad's ability to use any BA service or Network Element, Covad shall have a reasonable time to modify or re-deploy its network or operations to reflect such change."

Please indicate the date on which Verizon Massachusetts and Covad entered into the agreement or amendment from which this section was quoted and the date on which the agreement or amendment was filed with the Department. Is the source document the most recent agreement filed with the Department?

Should you have any questions regarding the foregoing requests for responses, please advise Jesse S. Reyes, Hearing Officer at 617.305.3735.